

APPLICATION GRANTED**SO ORDERED** **VERNON S. BRODERICK****U.S.D.J.** 11/3/2022

Parties shall submit a joint status update and proposed case management plan by December 19, 2022.



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November 2, 2022

VIA ECF

Hon. Vernon S. Broderick
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *C.K. obo A.Y., et al. v. NYC Department of Education, et al.*,
21-CV-7956 (VSB)(KNF)

Dear Judge Broderick:

I am the Assistant Corporation Counsel assigned to represent Defendants New York City Department of Education, New York City Board of Education, and the former Department of Education Chancellor Meisha Porter, in the above-referenced action. I write jointly with counsel for Plaintiffs and pursuant to Your Honor's Order dated October 4, 2022 (Dkt. No. 34) to provide an update on the status of settlement of this case.

Since the parties' last status letter, Plaintiffs provided a proposed Stipulation of Settlement for Plaintiff A.N., which Defendants have been reviewing. The parties have in good faith engaged in additional settlement meetings. Based on these negotiations, Defendants expect to provide Plaintiffs with revised Stipulations of Settlement for both A.N. and C.K. by the end of this week. Defendants have also been reviewing billing records in connection with Plaintiff C.K. and are in the process of obtaining settlement authority from the Comptroller's Office. While there are still terms that the parties need to negotiate, the parties are nevertheless on track to resolve some or all of this matter, and anticipate reaching an agreement concerning at least one Plaintiff's compensatory education claims very shortly. Further, the parties are cautiously optimistic that the parties will ultimately reach a settlement with respect to the other Plaintiff's compensatory education claims and both Plaintiffs' remaining fees claims as well without the Court's intervention, and without the need for discovery. Thus, the parties agree that additional time, to (1) confer with our respective clients about the current settlement offers and counteroffers, and (2) engage in further settlement meetings, would be productive. Accordingly, the parties respectfully

request to provide another joint status letter in 45 days, or no later than December 19, 2022.¹ Given the parties' meaningful progress in settlement discussions, the parties also respectfully request an extension of time to submit a proposed case management plan until December 19, 2022.

This is the parties' third joint request for an extension of time to submit the proposed case management plan. Your Honor has granted all previous applications. The parties are cognizant of the age of this case and appreciate Your Honor's patience with the extension requests while we continue to discuss settlement. As noted previously, we are optimistic that we will be able to resolve this case without court intervention but need additional time to do so.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/
Min Kyung Cho
Assistant Corporation Counsel

cc: Erin O'Connor, Esq., Of Counsel
 Counsel for Plaintiffs
 (via ECF)

¹ The additional time is to allow the parties to have sufficient time to discuss with their respective clients any settlement offers while taking into account scheduled vacations in November.